IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 26265 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

MANGIBEN AMRABHAIJI NAYAK WD/O AMRABHAIJI NAYAK - Petitioner(s)

Versus

PANCHMAHALS-VADODARA GRAMIN BANK KALOL - Respondent(s)

==========

Appearance :

MR VIJAY N RAVAL for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1,

==========

CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 21/08/2007

ORAL JUDGMENT

Rule. Since the award has been made on the basis of the settlement arrived at by the parties, there is no need to call the otherside before

this Court and hear it since this petition is filed to challenge the order refusing withdrawal of the amount invested in the fixed deposit.

It is the say of the petitioner that she has received compensation for the death of her husband, who died in a vehicular accident. She filed petition for obtaining compensation being M.A.C. Petition No. 1475 of 2000 before the M.A.C. Tribunal [Aux.], Panchmahals at Godhra. The parties to the said petition arrived at a compromise and Insurance Company agreed to pay a sum of Rs.2.50 lacs. The petitioner has four minor children. Hence, the Tribunal directed to invest Rs.2 lacs in the fixed deposit in a nationalized bank. Rs.1 lac was ordered to be deposited in the name of the petitioner; whereas Rs.25,000/- each in the names of four children in separate fixed deposit accounts. The petitioner now seeks to encash her fixed deposit before date of maturity, which is 29/1/2008 since she has to construct house. She made application before the Tribunal which has been rejected by it by order dated 23/3/2006. Hence, this petition.

In view of the averments made in the petition and also after hearing the learned counsel for the petitioner, this Court directed the Tribunal to make inquiry and submit report with regard to the genuineness of the claim for withdrawal. That report has been submitted by the concerned Tribunal. On inquiry, it is found that one Urmaliben has sold plot bearing no. 25 to the petitioner for Rs.75,000/- and she has paid Rs.5,000/- as earnest money and balance amount is required to be paid. She intends to raise kachcha construction

on the said plot. It is also stated in the said report that such construction can be raised from the balance amount of Rs.25,000/-.

In view of the said report and opinion of the Tribunal, it appears that the request of the petitioner is genuine and it is required to be granted. Hence the petitioner is permitted to withdraw amount lying in her fixed deposit account with Kalol Branch of Panchmahal Vadodara Gramin Bank, before the date of maturity. The petition is allowed. Rule made absolute.

[Akshay H Mehta, J.]

* Pansala.